

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

NICHOLAS ADDISON

PLAINTIFF

V.

3:15CV00038 DPM/JTR

BRETT DUNCAN

DEFENDANT

ORDER

Plaintiff has recently filed a Second Application to Proceed *In Forma Pauperis*. *Doc. 14*. That Application is denied as moot because the Court already granted Plaintiff *in forma pauperis* status on May 13, 2015. *Doc. 13*.

Plaintiff has also filed a Motion seeking clarification about how this case will proceed. *Doc. 15*. The Court has recently ordered service on Defendant Duncan. After service is executed and Defendant Duncan files an Answer or other responsive pleading, the Court will enter an Initial Scheduling Order setting deadlines for the parties to complete discovery and file any dispositive motions. If the case survives the filing of any such motions, the Court will enter a Final Scheduling Order setting an Evidentiary Hearing/Non-Jury Trial. Thus, Plaintiff does not need to take any further actions, at this time.

Finally, Plaintiff seeks clarification of the § 1915(a)(3) certification contained in the May 13, 2015 screening Order. *Doc. 13*. If, at the conclusion of the case,


Plaintiff chooses to appeal the pre-service dismissal of his claim against the Craighead County Detention Center, this Court will not grant him permission to appeal *in forma pauperis*. Instead, Plaintiff must either: (1) pay the \$505 appellate filing fee in full; or (2) obtain permission, from the Eighth Circuit Court of Appeals, to pursue any appeals *in forma pauperis*.

IT IS THEREFORE ORDERED THAT:

1. Plaintiff's Second Application to Proceed *In Forma Pauperis* (Doc. 14) is DENIED.

2. Plaintiff's Motion for Clarification (Doc. 15) is GRANTED.

Dated this 28th day of May, 2015.

A handwritten signature in black ink, appearing to read "J. Thomas Ray", is written over a horizontal line.

UNITED STATES MAGISTRATE JUDGE